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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,809	06/18/2001	Wolfgang Steck	1998P13024WOUS	2557

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BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

STINSON, FRANKIE L

ART UNIT	PAPER NUMBER
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1746

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/883,809

Applicant(s)

STECK ET AL.

Examiner

FRANKIE L. STINSON

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 4,7,18 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6 and 8-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

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1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

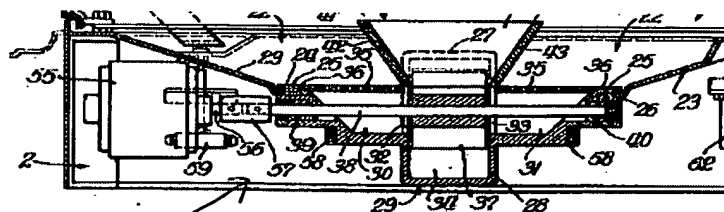
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5, 6, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibson (U. S. Pat. No. 3,051,184) in view of Germany'732 (Germany' 36 2 732).

Re claims 1, 16 and 17, Gibson is cited disclosing a dishwasher, comprising:

a dishwashing compartment (1) ;

a pump (29), for channeling liquid to said dishwashing compartment, said pump fluidically connected to said dishwashing compartment; partially disposed outside said dishwashing compartment; and having a motor (55), and an impeller (37); and a pump housing (27, 28) defining an interior, and housing said motor and said impeller, said pump housing defining an inflow conduit (31) through which said dishwashing liquid flows into said pump housing into contact with said impeller and said motor rotating a shaft (38) connected to said impeller so as to rotate said impeller



MOTOR FACING SIDE

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said pump housing having an outside with a side facing the motor and a side facing away from the motor; said shaft of said motor extends outwardly from said pump housing on the side of said pump housing facing the motor, and said inflow conduit extends outwardly from said pump housing on the side facing away from the motor; and

a means (58) for heating dishwashing liquid, said heating means disposed on said pump housing in heat-conducting contact with said interior of said pump housing that differs from the claims only in the recitation of the housing and the pump being disposed outside of the dishwashing compartment. Germany'732 is cited disclosing the arrangement of a pump being fluidically connected to a dishwasher compartment disposed outside the dishwashing compartment and inside said housing (6). It therefore would have been obvious to one having ordinary skill in the art to modify the dishwasher of Gibson, to include a housing/cabinet and the pump being located outside the washing compartment as taught by Germany'732, for the respective purposes of protecting the dishwasher components and for providing more space for dishes inside the washing compartment. Also note that this is also considered to be a mere rearrangement of parts (see MPEP 2144.04 REVERSAL, DUPLICATION OR RE-ARRANGEMENT OF PARTS). Re claims 2 and 3, Gibson, discloses the heater on the outside of the pump housing on a side facing the motor. Re claims 5 and 6, no patentable distinction is deemed to exist between the heater as claimed and the corresponding heater in Gibson or Germany'732.

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4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claims 1, 16 and 17 above, and further in view of Back (U. S. Pat. No. 5,868,937).

Claim 8 defines over the applied prior art only in the recitation of the stainless steel bearing part, bearing the heating device. The patent to Back discloses a pump made of stainless steel (col. 7, line 27). It therefore would have been obvious to modify the pump in Gibson, to be made of stainless steel, as taught by Back, since it is old and well known in the art to fabricate dishwashing components of variable materials, based on expense, availability, size and other design criteria. As for the bearing part, the same is deemed to be inherent in Gibson as proposedly modified.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claims 1, 16 and 17 above, and further in view of Eisenmann et al. (U. S. Pat. No. 2,963,979), Germnay'392 (Germany 1 807 392) or France'156 (France 2 567 156).

Claim 9 defines over the applied prior art only in the recitation of the enameled surface bearing part, bearing the heating device. The Eisenmann, Germany'392 and France'156 each disclose a pump having an enameled surface. It therefore would have been obvious to modify the pump in Gibson, to be enameled as taught by Eisenmann, Germany'392 and France'156, since it is old and well known in the art to fabricate dishwashing components of variable materials for reasons as noted immediately above. As for the bearing part, the same is deemed to be inherent in Gibson as proposedly modified.

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6. Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claims 1, 16 and 17 above, and further in view of or Wright'500 (U. S. Pat. No. 4,594,500).

Claims 10-13 define over Gibson only in the recitation of the temperature/pressure/thermostatic switch. Wright'500 discloses the temperature/pressure/thermostatic switch (47) as claimed. It therefore would have been obvious to one having ordinary skill in the art to modify the pump of Gibson, to include a switch as taught by Wright'500, for the purpose of controlling the pump and thereby preventing damage to the same.

7. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claims 1, 16 and 17 above, and further in view of Stover et al., Slayter, or UK 2,212,901 (UK'901).

Claim 14 and 15 define over Gibson only in the recitation of the insulating layer and the protective cover. Stover, Slayter and UK'901 are all cited disclosing heating systems where there is provided a heating element, insulation and a protective cover. It therefore would have been obvious to one having ordinary skill in the art to modify the device of Gibson, to include insulation and a cover as taught by Stover, Slayter or UK'901, for the purpose of preventing injury to the user and/or the dishwasher.

8. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Japan'561, Japan'873, Germany'475 note the heaters.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (571) 272-1308. The examiner can normally be reached on M-F from 5:30 am to 2:00 pm and some Saturdays from approximately 5:30 am to 11:30 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr, can be reached on (571) 272-1700. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.


FRANKIE L. STINSON
PRIMARY EXAMINER
ART UNIT ~~242~~ 1700